

# NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 07/14/2003  
Departmental Paperwork Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6625  
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 05/21/2003.

TITLE: Southeast Region Dealer and Interview Family of Forms

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0013

EXPIRATION DATE: 08/31/2004

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	19,812	3,171	0
New	21,002	3,568	0
Difference	1,190	397	0
Program Change		397	0
Adjustment		0	0

TERMS OF CLEARANCE: None

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OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of  
Information and Regulatory Affairs

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# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated  5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No  6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT**  
**DEEP AND SHALLOW-WATER GROUPER QUOTA MONITORING**  
**DEALER AND INTERVIEW FAMILY OF FORMS - SOUTHEAST REGION**  
**OMB CONTROL NO. 0648-0013**

**A. JUSTIFICATION**

Introduction

This request for OMB review is for a new data collection activity to monitor the quotas for deep and shallow-water groupers in the Gulf of Mexico. This reporting activity will be part of the Southeast Region Dealer and Interview Family of Forms (OMB Control No. 00648-0013).

For the past three years, the quota for the shallow-water grouper management unit has been exceeded. These overages are due to the lack of timely information on the landings of the 8 grouper species that comprise this management unit. The Southeast Regional Administrator has made the decision to modify the methods that are currently being used to monitor the landings of these species to assure that the quota is not exceeded in the future. In support of this decision, the Southeast Fisheries Science Center (SEFSC) has been given the task of implementing a data collection program that will provide the Regional Administrator with sufficient information to close either the deep or shallow-water grouper fishery when the quota is approached and avoid quota overages. To meet this responsibility, the SEFSC plans to implement monthly dealer reporting for the species in both the deep and shallow-water grouper units for a select group of dealers. During 2001 (the statistics for 2002 are not complete at this time), there were 285 dealers in the Gulf of Mexico that reported purchasing fish in either of these two management units; however, the majority of these dealers only purchased small quantities (less than 10,000 pounds) during the year. Based on the landings statistics for 2001, if only dealers that purchased more than 10,000 pounds of either deep or shallow-water groupers were selected to report, over 97% of the total landings for all 14 species in these two managements would have been reported. Thus, the SEFSC is confident that the quotas for these two management units can be adequately monitored by selecting dealer that purchased more than 10,000 pounds a year. This criterion should reduce the number of dealers selected to report to less than 100 (for 2001 the actual number of dealers that reported more than 10,000 was 83).

**1. Explain the circumstances that make the collection of information necessary.**

The landings statistics collected by the quota monitoring program are essential for the timely monitoring of the fishery quotas for the deep-water and shallow-water grouper management units. The quotas for these two units have been established by the Gulf of Mexico Reef Fish Fishery Management Plan and are specified in 50 CFR 622.42 (a)(1)(ii) and (iii) for the deep-water and shallow-water groupers, respectively. The authority to conduct this mandatory data collection program is provided in 50 CFR 622.5(c)(3)(ii).

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

The mandatory dealer reporting will be used to monitor the fishery quotas for the deep-water and shallow-water groupers. As described in the Introduction, the quotas for the shallow-water grouper unit has been exceeded in the past 3 years because the landings statistics have not been available in a timely manner. To avoid this situation in the future, the SEFSC will require that selected dealers report their landings of the species in these two management units every month and every two weeks during the last two months of the season.

Summaries of the quota monitoring information will be disseminated to the public to inform them of the current status of the quota so fishermen can make the appropriate business decisions regarding future fishing activities. NMFS will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

Currently no electronic reporting is being utilized to report data to the SEFSC. Landings statistics are collected by the each of the state fishery agencies in the Gulf of Mexico and some states have developed electronic methods that dealers can use to submit the data. The SEFSC will accept any data in an electronic format that can be easily read and summarized to comply with the monthly/bi-weekly reporting requirements in lieu of a paper report.

**4. Describe efforts to identify duplication.**

Landings statistics are reported to each of the state fishery agencies in the Gulf of Mexico, which is essentially the same data that will be reported for this quota monitoring activity. However, it routinely takes the states from 3 to 4 months to process the landings data (and sometimes longer) and provide it to the SEFSC, and as noted in the Introduction, the quota for the shallow-water grouper management unit has been exceeded in the past 3 years. Consequently, the SEFSC needs to implement a means of collecting landings data much more quickly.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

Because almost all dealers are considered small businesses, separate requirements based on size of business have not been developed. Only the minimum data to meet reporting objectives are required from the respondents. The data provided by the quota monitoring form are transcribed from existing accounting information maintained by seafood dealers and processors in the normal course of their business operations. The public is not required, nor asked, to maintain any recordkeeping other than the weigh-out sheets that record the sales transactions between the dealer (purchaser) and the fishermen (seller). Thus, the reporting burden on dealers and processors is at a minimum.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

As noted above, the consequence of not implementing this quota monitoring program will be the significant risk that the quotas will continue to be exceeded. The objective of fishery quotas is to eliminate or significantly reduce fishing mortality. If quotas are not monitored adequately and the fishery closed as quickly as possible, then this objective is not effective at reducing fishing mortality and overfishing will continue to be a likely result.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

As described above, the landings statistics collected under this collection activity must be collected in a timely manner, monthly for part of the year and then bi-weekly in order to assure that the fisheries are closed prior to the quota being reached. Consequently, it is necessary for this activity to deviate from the quarterly requirement established in the OMB Guidelines for Information Collections.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A copy of the Federal Register notice is attached. One comment was received. In this comment, the individual made two points. First, the SEFSC needed to consider the situations when dealers are already submitting the landings statistics to the state, and second the estimate of the time required to complete the form is understated. With respect to the first issue, the SEFSC will accept data that are submitted electronically to the states if the format can be easily read and the data summarized. With respect to the second issue, the 20 minutes is an average estimate and for some months when landings of these fish are low it will take only a minute or two to locate and

record the quantities. Other months when landings are high it may take an hour to summarize the landings by species. The individual did not offer any explanation or provide any information to support of his/her comment.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payment or other remuneration are provided.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

All data collected via this family of forms are treated in accord with NOAA Administrative Order 216-100, Confidential Fisheries Statistics. Dealer reports are also considered confidential under the Trade Secrets Act.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

No questions of a sensitive nature are asked.

**12. Provide an estimate in hours of the burden of the collection of information.**

The total burden on the public for this reporting activity is estimated to be 397 hours. It is anticipated that 85 dealers will be selected to submit the grouper quota monitoring form once a month for 10 months and then every two weeks for the other two months and that it will take a dealer on average 20 minutes to summarize the landings statistics per species and complete the form. Therefore, the total burden is 397 hours ( $85 \times 14 \times 20/60 = 397$ ).

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

There are no anticipated costs beyond the opportunity cost of completing the form. The dealers are provided with addressed, postage-paid envelopes that they use to return the completed form or they fax the form.

**14. Provide estimates of annualized cost to the Federal government.**

The cost to the Federal government is very small. Approximately 1 day per month will be required to compile and summarize the forms from the 85 dealers.



**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

This request will result in an program increase of 397 hours in the reporting burden for the Southeast Region Dealer and Interview Family of Forms.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

Results from the data collection using the forms in this family are not planned for publication.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

The OMB number and expiration number will be displayed on each of the forms.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

There are no exceptions to Item 19 of the OMB 83-I.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.

<b>DEALER NAME:</b>	<b>FEDERAL PERMIT NO. DL-</b>
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**BUSINESS LOCATION COUNTY:** \_\_\_\_\_ **STATE:** \_\_\_\_\_ **MONTH:** \_\_\_\_\_ / \_\_\_\_\_  
Month Year

SHALLOW WATER GROUPERS			DEEP WATER GROUPERS		
SPECIES	ROUND WEIGHT	GUTTED WEIGHT	SPECIES	ROUND WEIGHT	GUTTED WEIGHT
Black Grouper			Snowy Grouper		
Gag Grouper			Misty Grouper		
Red Grouper			Yellowedge Grouper		
Yellowfin Grouper			Warsaw Grouper		
Scamp			Speckled Hind		
Red Hind					
Rock Hind					
Yellowmouth Grouper					

☐ NO PURCHASES FOR ANY OF THE ABOVE SPECIES WERE MADE DURING THIS MONTH.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_ / \_\_\_\_ / 200\_\_

**Fax Reports to: Heather Balchowsky**  
**305/361-4497**

Public reporting burden for this collection of information is estimated to average 20 minutes per response including the time for reviewing the instructions, searching the existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this burden to Robert Sadler, National Marine Fisheries Service, 9721 Executive Center Dr., N., St. Petersburg, Florida 33702. This reporting authorized under 50 CFR 622.5(c)(3)(ii). Information submitted will be treated as confidential in accordance with NOAA Administrative Orders. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid OMB Control Number. The NMFS requires this information for the conservation and management of marine fishery resources. This data will be used to monitor the quotas for these fisheries.

(D) Average monthly price paid for each species.

(E) Proportion of total poundage landed by each gear type.

(ii) *Alternate SRD*. For the purposes of paragraph (c)(1)(i) of this section, in the states from New York through Virginia, or in the waters off those states, “SRD” means the Science and Research Director, Northeast Fisheries Science Center, NMFS (see Table 1 of § 600.502 of this chapter), or a designee.

(2) *Gulf red drum*. A dealers or processor who purchases red drum harvested from the Gulf who is selected to report by the SRD must report to the SRD such information as the SRD may request and in the form and manner as the SRD may require. The information required to be submitted must include, but is not limited to, the following:

(i) Dealer’s or processor’s name and address.

(ii) State and county where red drum were landed.

(iii) Total poundage of red drum received during the reporting period, by each type of gear used for harvest.

(3) *Gulf reef fish*. A person who purchases Gulf reef fish from a fishing vessel, or person, that fishes for or lands such fish in or from the EEZ or adjoining state waters must maintain records and submit information as follows:

(i) A dealer must maintain at his/her principal place of business a record of Gulf reef fish that he/she receives. The record must contain the name of each fishing vessel from which reef fish were received and the date, species, and quantity of each receipt. A dealer must retain such record for at least 1 year after receipt date and must provide such record for inspection upon the request of an authorized officer or the SRD.

(ii) When requested by the SRD, a dealer must provide information from his/her record of Gulf reef fish received the total poundage of each species received during the month, average monthly price paid for each species by market size, and proportion of total poundage landed by each gear type. This information must be provided on forms available from the SRD and must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of the

month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no reef fish were received during a calendar month, a report so stating must be submitted on one of the forms, postmarked not later than 5 days after the end of the month.

(iii) The operator of a car or truck that is used to pick up from a fishing vessel reef fish harvested from the Gulf must maintain a record containing the name of each fishing vessel from which reef fish on the car or truck have been received. The vehicle operator must provide such record for inspection upon the request of an authorized officer.

(4) *Gulf shrimp*. A person who purchases shrimp from a vessel, or person, that fishes for shrimp in the Gulf EEZ or in adjoining state waters, or that lands shrimp in an adjoining state, must provide the following information when requested by the SRD:

(i) Name and official number of the vessel from which shrimp were received or the name of the person from whom shrimp were received, if received from other than a vessel.

(ii) Amount of shrimp received by species and size category for each receipt.

(iii) Exvessel value, by species and size category, for each receipt.

(5) *South Atlantic snapper-grouper*. (i) A person who purchases South Atlantic snapper-grouper that were harvested from the EEZ or from adjoining state waters and who is selected to report by the SRD and a dealer who has been issued a dealer permit for wreckfish, as required under § 622.4(a)(4), must provide information on receipts of South Atlantic snapper-grouper and prices paid, by species, on forms available from the SRD. The required information must be submitted to the SRD at monthly intervals, postmarked not later than 5 days after the end of the month. Reporting frequency and reporting deadlines may be modified upon notification by the SRD. If no South Atlantic snapper-grouper were received during a calendar month, a report so stating must be submitted on one of the forms, postmarked not later than 5 days after the end of the month. However, during complete months encompassed by the wreckfish spawning-

# **Magnuson-Stevens Fishery Conservation and Management Act**

## **Public Law 94-265**

As amended through October 11, 1996

### **SEC. 303. CONTENTS OF FISHERY MANAGEMENT PLANS      16 U.S.C. 1853**

**95-354, 99-659, 101-627, 104-297**

**(a) REQUIRED PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, shall--

(1) contain the conservation and management measures, applicable to foreign fishing and fishing by vessels of the United States, which are--

(A) necessary and appropriate for the conservation and management of the fishery to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery;

(B) described in this subsection or subsection (b), or both; and

(C) consistent with the national standards, the other provisions of this Act, regulations implementing recommendations by international organizations in which the United States participates (including but not limited to closed areas, quotas, and size limits), and any other applicable law;

(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, actual and potential revenues from the fishery, any recreational interest in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;

(3) assess and specify the present and probable future condition of, and the maximum sustainable yield and optimum yield from, the fishery, and include a summary of the information utilized in making such specification;

(4) assess and specify--

(A) the capacity and the extent to which fishing vessels of the United States, on an annual basis, will harvest the optimum yield specified under paragraph (3),

(B) the portion of such optimum yield which, on an annual basis, will not be harvested by fishing vessels of the United States and can be made available for foreign fishing, and

(C) the capacity and extent to which United States fish processors, on an annual basis, will process that portion of such optimum yield that will be harvested by fishing vessels of the United States;

(5) specify the pertinent data which shall be submitted to the Secretary with respect to commercial, recreational, and charter fishing in the fishery, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was engaged in, time of fishing, number of hauls, and the estimated processing capacity of, and the actual processing capacity utilized by, United States fish processors;

(6) consider and provide for temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safe conduct of the fishery; except that the adjustment shall not adversely affect conservation efforts in other fisheries or discriminate among participants in the affected fishery;

(7) describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 305(b)(1)(A), minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat;

(8) in the case of a fishery management plan that, after January 1, 1991, is submitted to the Secretary for review under section 304(a) (including any plan for which an amendment is submitted to the Secretary for such review) or is prepared by the Secretary, assess and specify the nature and extent of scientific data which is needed for effective implementation of the plan;

(9) include a fishery impact statement for the plan or amendment (in the case of a plan or amendment thereto submitted to or prepared by the Secretary after October 1, 1990) which shall assess, specify, and describe the likely effects, if any, of the conservation and management measures on--

(A) participants in the fisheries and fishing communities affected by the plan or amendment; and

(B) participants in the fisheries conducted in adjacent areas under the authority of another Council, after consultation with such Council and representatives of those participants;

(10) specify objective and measurable criteria for identifying when the fishery to which the plan applies is overfished (with an analysis of how the criteria were determined and the relationship of the criteria to the reproductive potential of stocks of fish in that fishery) and, in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain conservation and management measures to prevent overfishing or end overfishing and rebuild the fishery;

(11) establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority--

(A) minimize bycatch; and

(B) minimize the mortality of bycatch which cannot be avoided;

(12) assess the type and amount of fish caught and released alive during recreational fishing under catch and release fishery management programs and the mortality of such fish, and include conservation and management measures that, to the extent practicable, minimize mortality and ensure the extended survival of such fish;

(13) include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery and, to the extent practicable, quantify trends in landings of the managed fishery resource by the commercial, recreational, and charter fishing sectors; and

(14) to the extent that rebuilding plans or other conservation and management measures which reduce the overall harvest in a fishery are necessary, allocate any harvest restrictions or recovery benefits fairly and equitably among the commercial, recreational, and charter fishing sectors in the fishery.

**97-453, 99-659, 101-627, 102-251, 104-297**

**(b) DISCRETIONARY PROVISIONS.**--Any fishery management plan which is prepared by any Council, or by the Secretary, with respect to any fishery, may--

(1) require a permit to be obtained from, and fees to be paid to, the Secretary, with respect to--

(A) any fishing vessel of the United States fishing, or wishing to fish, in the exclusive economic zone [or special areas,]\* or for anadromous species or Continental Shelf fishery resources beyond such zone [or areas]\*;

(B) the operator of any such vessel; or

(C) any United States fish processor who first receives fish that are subject to the plan;

(2) designate zones where, and periods when, fishing shall be limited, or shall not be permitted, or shall be permitted only by specified types of fishing vessels or with specified types and quantities of fishing gear;

(3) establish specified limitations which are necessary and appropriate for the conservation and management of the fishery on the--

(A) catch of fish (based on area, species, size, number, weight, sex, bycatch, total biomass, or other factors);

(B) sale of fish caught during commercial, recreational, or charter fishing, consistent with any applicable Federal and State safety and quality requirements; and

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

- (A) present participation in the fishery,
- (B) historical fishing practices in, and dependence on, the fishery,
- (C) the economics of the fishery,
- (D) the capability of fishing vessels used in the fishery to engage in other fisheries,
- (E) the cultural and social framework relevant to the fishery and any affected fishing communities, and
- (F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

**97-453, 104-297**

**(c) PROPOSED REGULATIONS.**--Proposed regulations which the Council deems necessary or appropriate for the purposes of--

(1) implementing a fishery management plan or plan amendment shall be submitted to the Secretary simultaneously with the plan or amendment under section 304; and

(2) making modifications to regulations implementing a fishery management plan or plan amendment may be submitted to the Secretary at any time after the plan or amendment is approved under section 304.



## BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

### Sunshine Act Notice

**TIME AND DATE:** 2 p.m., Wednesday, March 12, 2003.

**PLACE:** The Reserve Officers Association, Washington, DC 20510.

**STATUS:** The meeting will be open to the public.

#### MATTERS TO BE CONSIDERED:

1. Review and approval of the minutes of the March 13, 2002 Board of Trustees meeting.

2. Report on financial status of the Foundation fund.

A. Review of investment policy and current portfolio.

3. Report on results of Scholarship Review Panel.

A. Discussion and consideration of scholarship candidates.

B. Selection of Goldwater Scholars.

4. Other Business brought before the Board of Trustees.

**CONTACT PERSON FOR MORE INFORMATION:** Gerald J. Smith, President, Telephone: (703) 756-6012.

Gerald J. Smith,  
President.

[FR Doc. 03-4335 Filed 2-19-03; 4:02 am]

BILLING CODE 4738-91-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 021403A]

#### Proposed Information Collection; Comment Request; Deep and Shallow-Water Grouper Dealer Reporting

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before April 22, 2003.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625,

14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at [dHynek@doc.gov](mailto:dHynek@doc.gov)).

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument and instructions should be directed to John Poffenberger, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL 33149, (phone 305-361-4263).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

Fishery quotas are established for species in the deep-water and shallow-water management units within the Gulf of Mexico Reef Fish Fishery Management Plan (see 50 CFR 622.42(a)(ii) and (iii)). Existing methods of monitoring these fishery quotas have proven to be ineffective, and for the past two years landings for the species in these management units have exceeded the quotas. The Southeast Fisheries Science Center intends to use the authority under section 50 CFR 622.5(c)(3)(ii) to require dealers to report purchases (landings) on a monthly basis and every two weeks for the last two months of the season (year).

##### II. Method of Collection

The Southeast Fisheries Science Center will provide a reporting form to each dealer selected to report. The dealer must provide the name and permit number of the company and provide the amount purchased (landed) for the previous month for the individual species in deep and shallow-water management units. NOAA's intent is to provide paper and electronic versions of the form. This form must be faxed or sent as an e-mail attachment to the Southeast Fisheries Science, Miami, FL, within 5 business days of the end of each reporting period (month or two-weeks). For dealers that do not have a rapidfax machine or access to e-mail, pre-addressed, pre-paid envelopes will be provided.

##### III. Data

*OMB Number:* 0648-0013.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations (seafood dealers).

*Estimated Number of Respondents:* 85.

*Estimated Time Per Response:* 20 minutes.

*Estimated Total Annual Burden Hours:* 397 hours.

*Estimated Total Annual Cost to Public:* \$0.

## IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 12, 2003.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 03-4137 Filed 2-20-03; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 021103A]

#### Fisheries off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; 2003 Bank-specific Harvest Guidelines

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notification of no harvest guideline for crustaceans.

**SUMMARY:** NMFS announces that annual harvest guidelines for the commercial lobster fishery in the Northwestern Hawaiian Islands (NWHI) will not be issued for the year 2003.

**ADDRESSES:** Copies of background material pertaining to this action, which is identical to the action taken in 2001, may be obtained from Dr. Charles Karnella, Administrator, NMFS, Pacific Islands Area Office, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814.

**FOR FURTHER INFORMATION CONTACT:** Alvin Katekaru at 808-973-2937.

**SUPPLEMENTARY INFORMATION:** Under the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region, 50 CFR 660.50(b)(2),